



**COUNTY OF BERGEN
OFFICE OF THE COUNTY EXECUTIVE**

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Kathleen A. Donovan
County Executive

February 21, 2013

Judith A. Enck
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866

RE: PASSAIC RIVER

Dear Regional Administrator Enck:

The purpose of this letter is to express Bergen County's opposition to the United States Environmental Protection Agency (EPA) Region 2's Focused Feasibility Study (FFS) and respectfully request the FFS immediately be dismissed in favor of a more comprehensive and sustainable solution for the entire 17 miles of the Lower Passaic River Study Area (LPRSA).

As you are well aware, the EPA's FFS is focused purely on the lower 8 miles of the Passaic River – from New York Harbor to Kearney. Based on recent presentations by the EPA before the Passaic River Community Advisory Group (CAG), it is my understanding that the FFS is contemplating two alternatives; a four (4) million cubic removal that is estimated to take six (6) years to complete and 11 million cubic yard removal that is estimated to take 11 years to complete.

While I wholeheartedly support action in the Passaic River, a very complicated River that has been studied for decades, Bergen County cannot and will not sit back and wait for action. The fact of the matter is the EPA's FFS provides nothing of value to Bergen County or our municipalities within the LPRSA. I am extremely concerned that a massive dredging operation in the lower 8 miles of the Passaic River will cause a significant and unacceptable delay of any meaningful restoration efforts north of Kearny.

As the steward of the environment in our region, the recent "discovery" of a hot spot on the shores of Lyndhurst, next to Bergen County's Riverside Park North, with extremely high levels of dioxin should cause you to take a step back and question the EPA's overall approach to the restoration of the Passaic River.

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The hot spot in Lyndhurst should force each and every agency involved in this project – federal and state – to question the widely accepted belief that “the really bad stuff is in Newark.” We now know it’s not just in Newark. We now know we have high levels of dioxin in the upper River.

To this day, no one has been able to fully explain to me how or why we now have two (2) active environmental studies underway on the Passaic River at the same time – the FFS and the Remedial Investigation/Feasibility Study (RI/FS). It seems illogical and inefficient to initiate a deep dredging program in the southern portion of the River while a comprehensive study is underway to evaluate a remedy for the entire River.

I am concerned that a massive dredging operation in the lower 8 miles of a tidal River like the Passaic will cause significant recontamination and resuspension of dangerous chemicals and contaminants along the shores of Bergen County. Over the past 18 months, communities like North Arlington, Lyndhurst, Rutherford, Garfield and Wallington have been through enough with Hurricane Irene and Super Storm Sandy.

Bergen County believes there should be one (1) comprehensive study on the Passaic River that includes the full 17 miles of the LPRSA, not two. Bergen County believes that one (1) study should result in one (1) comprehensive remedial solution that not only reduces risk as quickly as possible, but also helps communities along the River manage ongoing sources of contamination and improves the quality of life along the Passaic River.

Bergen County has been made aware of an alternative approach developed by the Lower Passaic River Cooperating Parties Group (CPG) called the Sustainable Remedy. Bergen County believes this proposed remedy has merit and should be given full and fair consideration by the EPA, Governor Chris Christie and NJ DEP.

As I understand the CPG’s proposed alternative, the Sustainable Remedy contains two (2) core components – an in-River and an out-of-River component. The in-River component would address the entire 17 miles of the LPRSA and significantly reduce risk through a targeted removal program much quicker than the FFS, without decades of dredging and community disruption. My understanding is that the Sustainable Remedy will reduce risk by 70-80% in just five (5) years throughout the entire 17 miles of the LPRSA.

The out-of-River component would help reduce ongoing sources of contamination that continue to flow into the LPRSA and advance community projects that will improve and enhance the watershed. It makes no sense whatsoever to remediate the Passaic River and do nothing on the shores of the River to help manage ongoing sources of pollution and improve the communities along the Passaic River. Bergen County fully supports the out-of-River component of the Sustainable Remedy.

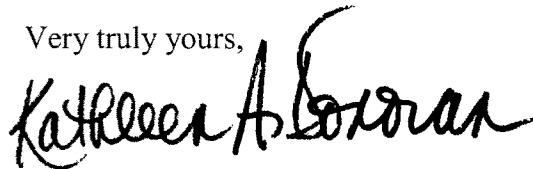
Through an examination of the multiple studies underway along the Passaic River, I respectfully request that you take some time to contemplate where these studies and projects are going and clearly define what

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is the path forward for those families and businesses that live and work along the Passaic River. Is the objective of the Passaic River Restoration Project to remove millions and millions of cubic yards of material or is the objective to reduce risk as quickly as possible and improve the quality of life for those communities along the Passaic River?

For far too long, residents of Bergen County living along the Passaic River have been waiting and waiting for action. For far too long, communities have heard about this study and that study but have seen little action. It is time to advance a meaningful and workable environmental restoration program throughout the entire 17 miles of the LPRSA that reduces risk, improves the quality of life along the Passaic River and provides a clean path forward for those communities along the Passaic River.

Very truly yours,



Kathleen A. Donovan
County Executive

KAD:ht

cc: NJ Congressional Delegation
Honorable Chris Christie, Governor, State of New Jersey
Bob Martin, Commissioner, NJDEP
Bob Perciasepe, Acting Administrator, USEPA
Bergen County State Legislative Delegation
Bergen County Board of Freeholders
Bergen County Municipalities
Anthony DeNova, County Administrator, Passaic County

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